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NOTES OF CASES.

Right of Accused to Consult with Counsel.—One H. S. Tucker was confined as a prisoner in Oklahoma, charged with a felony. Being without means to employ counsel to conduct his defense, the judge of the superior court appointed two local attorneys. The sheriff in charge of the jail where Tucker was confined refused to allow the attorneys access to their client, and persisted in his refusal after an order from the judge of the superior court. Thereupon a citation was addressed to the sheriff and the jailer of the prison, requiring them to appear before the Criminal Court of Appeals to answer for contempt. In a judgment adjudging them in contempt, the Criminal Court of Appeals in the case of *State ex rel. Tucker v. Davis*, 130 Pacific Reporter, 962, states in the following vigorous language the right of one accused of crime to receive adequate facilities for his defense: "It would be a cheap subterfuge of, and shameless mockery upon, justice for the state to put a man on trial in its courts, charged with an offense which involved his life, liberty or character, and then place him in such a position that he could not make his defense. It would be just as reasonable to place shackles upon a man's limbs and then tell him that it is his right and duty to defend himself against an impending physical assault. * * * Due process of law would be a libel on justice if it did not carry with it the absolute right of preparation for trial, the right to be informed of the nature and cause of the accusation against him, and have a copy thereof; would be only so much idle buffoonery, if the accused were not allowed to prepare to defend himself. * * * The right to be heard by counsel would, in the language of Saint Paul, 1 Cor. xiii, 1, 'become as sounding brass, or a tinkling cymbal,' if it did not include the right to a full and confidential consultation with such counsel, with no other persons present to hear what was said. This is a material, substantial right, essential to justice."

Admissibility of Confession by Third Person.—When one is on trial for murder is the confession of a third person who has since died, as for instance, a deathbed confession, that he committed the murder, admissible in behalf of accused? The Supreme Court of the United States in *Donnelly v. United States*, 33 Supreme Court Reporter, 449, has decided that declarations of this character are inadmissible as hearsay. An interesting dissenting opinion by Mr. Justice Holmes reads in part as follows: "The confession of Joe Dick, since deceased, that he committed the murder for which the plaintiff in error was tried, coupled with circumstances pointing to its truth, would have a very strong tendency to make any one outside of a court of justice believe that Donnelly did not commit the crime. I say this, of course, on the supposition that it should be proved that the confession really was made, and that there was no ground for